

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JOHN BERNARD, WILLIAM BERNARD,
and PAMELA MARTIN, individually and on
behalf of all others similarly situated,

Plaintiffs,

v.

BNY MELLON, N.A.,

Defendant.

2:18-CV-00783-RJC-CRE

Chief United States Magistrate Judge
Cynthia Reed Eddy

JOINT [PROPOSED] AMENDED CASE MANAGEMENT ORDER

AND NOW this 27th day of February, 2020, IT IS HEREBY ORDERED that this action is placed under Local Rule 16.1 for pretrial proceedings and all provisions of the Rule will be strictly enforced. Pursuant to Local Rule 16.1, the parties are directed as follows:

1. The parties shall move to amend the pleadings or add new parties by October 31, 2019¹.
2. The parties shall complete class certification fact discovery by July 31, 2020².

All interrogatories, depositions and requests for admissions and/or production of documents shall be served within sufficient time to allow responses to be completed prior to the close of fact discovery.

3. Plaintiffs' Expert Reports as to class certification are due on or before August 31, 2020.
Defendant's Expert Reports as to class certification are due on or before September 30, 2020.

¹ Plaintiff may seek additional time to add new parties in the event that requested discovery on this issue is not completed sufficiently in advance of this deadline.

² The parties may seek to extend the class certification fact discovery deadline in the event that outstanding discovery disputes have not been resolved sufficiently in advance of the current deadline.

Depositions of all class certification experts shall be on or before November 18, 2020.

4. The parties shall submit an amended ADR stipulation by June 30, 2020.
5. The parties shall complete the ADR process they selected by August 31, 2020.

Discovery is **NOT** stayed pending ADR.

6. Early dispositive motions³ and Plaintiffs' Motion for Class Certification, Memorandum in Support, and all supporting evidence are due on or before January 11, 2021.
7. Oppositions to early dispositive motions and Defendants' Memorandum in Opposition to Class Certification and all supporting evidence are due on or before February 25, 2021.
8. Replies to early dispositive motions and Plaintiffs' Reply Memorandum in support of class certification, if any are due on or before April 5, 2021.
9. The Court will hold a mid-discovery telephone status conference on _____.

10. If a discovery dispute occurs, the parties shall follow the procedures outlined in the Court's Order Appointing Special Master (Dkt. No. 97), unless otherwise directed by the Special Master or the Court.

11. The parties have elected not to have the Court separately enter the Model Order located in the Appendix to LCvR 16.1.D relating to the protections of Federal Rule of Evidence 502(d). Instead, the relevant provisions are incorporated into the parties' Protective Order [Dkt. No. 43].

12. The Court will conduct a post-discovery status conference on _____ at _____ AM/PM in the Chambers of United States Magistrate Judge Cynthia Reed Eddy, Suite 10160 U.S. Post Office and Courthouse, 700 Grant Street, Pittsburgh, Pennsylvania.

³ Plaintiffs reserve the right to file a dispositive motion pursuant to Fed. R. Civ. 56 at the earliest practicable time following the close of factual discovery. Defendants reserve the right to invoke the one-way intervention rule, to which Plaintiffs reserve the right to object on all grounds, including applicability of the rule.

Lead trial counsel shall attend, and the court will inform counsel if attendance by the parties is necessary.

IT IS FURTHER ORDERED that counsel shall confer with their clients prior to all case management, status or pretrial conferences to obtain authority to participate in settlement negotiations to be conducted by the Court. Counsel are encouraged to instruct the principals to be available by telephone to facilitate the amicable resolution of all litigation.

By the Court:

Cynthia Reed Eddy
Chief United States Magistrate Judge

cc: all counsel of record